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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,529	10/31/2003	Robert H. Wollenberg	T-6298 (538-59)	2770
<div>7590 02/06/2007 Michael E. Carmen, Esq. M. CARMEN & ASSOCIATES, PLLC 170 OLD COUNTRY ROAD SUITE 400 MINEOLA, NY 11501</div>			<div>EXAMINER WALLENHORST, MAUREEN</div>	
			<div>ART UNIT 1743</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 02/06/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/699,529

Applicant(s)

WOLLENBERG ET AL.

Examiner

Maureen M. Wallenhorst

Art Unit

1743

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-30.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Maureen M. Wallenhorst
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PRIMARY EXAMINER
GROUP ~~100~~ 1700

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Primary Examiner
Art Unit: 1743

Continuation of 3. NOTE: The added limitation in the independent claims concerning the number of the different lubricating oil compositions being at least 20 is a new issue not considered before since no specific number of samples in the library was recited previously in the claims and considered during examination.

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments concerning the reference to Carey et al are directed towards the new limitation added to the claims concerning there being at least 20 different lubricating oil composition samples in the library. Since this limitation is a new issue not considered before, Applicants' amendments are not being entered. Applicants' arguments concerning the reference to Carey et al are moot at this point, and will not be addressed. Applicants argue that Kolosov et al do not teach a lubricating oil composition library comprising a plurality of different lubricating oil compositions comprising a major amount of at least one base oil of lubricating viscosity and a minor amount of at least one lubricating oil additive. In response to this argument, it is noted that Kolosov teaches that any flowable commercial product may be screened or tested in the combinatorial library, and lubricating oil compositions used in the automotive/marine industry containing a major amount of a base oil and a minor amount of an additive are known, commercially available flowable products. Kolosov also teaches that exemplary flowable materials that can be screened in the library include lubricants, and these lubricants can be in different material forms including oils. See paragraph nos. 0042 and 0043 in Kolosov. Therefore, commercial lubricating oil compositions containing a major amount of a base oil and a minor amount of an additive used in the automotive/marine industry are encompassed by the teaching of Kolosov since Kolosov discloses that lubricant commercial products in the form of oils and containing additives therein can be evaluated or screened using the combinatorial library set forth.